



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**BEVERLY DARK,**  
*Plaintiff,*

**v.**

**JOHN POTTER, Postmaster General,**  
*Defendant.*

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**Civil Action No. 1:05-CV-293**

**ORDER ADOPTING AND GRANTING MOTION TO DISMISS**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the Eastern District of Texas, the Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for determination of pre-trial matters and entry of findings of fact and recommended disposition on dispositive matters. Several motions are pending before the Court.

Judge Giblin entered his *Report and Recommendation* on the pending motions [Clerk's doc. #34] on July 24, 2007. He entered findings and recommended that the Court grant Defendant's *Motion to Dismiss* [Clerk's doc. #29], deny the Plaintiff's *Motion to Dismiss Defendant's Defenses* [Clerk's doc. #26], and deny the Plaintiff's *Motion for Speedy Recovery* [Clerk's doc. #28] and *Motion for Speedy Judgment* [Clerk's doc. #33] as moot.

The Plaintiff filed objections to the magistrate judge's report. *See Objections to Magistrate Judge Giblin [sic] decision* [Clerk's doc. #36]. Pursuant to the Plaintiff's objections and in

accordance with 28 U.S.C. § 636(b)(1), the Court conducted a *de novo* review of the magistrate's findings, the record, the relevant evidence, the specific objections, and the applicable law in this proceeding. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted. The Plaintiff's objections are overruled.

Accordingly, the *Report and Recommendation* [Clerk's doc. #34] is **ADOPTED** by the Court. The factual findings and legal conclusions of the magistrate are therefore fully incorporated by the undersigned in support of this order. The Court **ORDERS** that

Defendant's *Motion to Dismiss* [Clerk's doc. #29] is **GRANTED** as to the Rule 12(b)(6) motion to dismiss;

Plaintiff's *Motion to Dismiss Defendant's Defenses* [Clerk's doc. #26] is **DENIED**; and Plaintiff's *Motion for Speedy Recovery* [Clerk's doc. #28] and *Motion for Speedy Judgment* [Clerk's doc. #33] are **DENIED** as **MOOT**.

Accordingly, the Plaintiff's claims are dismissed with prejudice and this civil action is closed.

So **ORDERED** and **SIGNED** this 16 day of August, 2007.



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Ron Clark, United States District Judge